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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,274	10/30/2000	Paul Gallagher	17887-005910	1442
20350	7590	06/25/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			BACKER, FIRMIN	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/702,274	GALLAGHER ET AL.	
	Examiner	Art Unit	
	Firmin Backer	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 April 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

Response to Amendment

This is in response to an amendment file on April 12th, 2004. In the amendment, claims 1, 2 have been amended, no claim has been canceled, and claims 13 and 14 have been added.

Claims 1-14 remain pending in the letter.

Response to Arguments

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "establishing a second account associated with the recipient" in last paragraph. There is insufficient antecedent basis for this limitation in the claim since a first account was not established with the recipient.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen-Rouman et al (U.S. PG Pub No. 2002/0152160) in view of Oyama et al (U.S. PG Pub 2002/0007343).

7. As per claim 1, Allen Rouman et al teach a computer implemented method of initiating a transfer of funds from one online account to another in a computer network, comprising receiving from a first user a request to establish an online account; receiving account access information for a bank account from the first user, wherein once the bank account is verified the first user is able to transfer funds between the online account and the bank account; verifying, using the account information, whether the first user has access to the bank account; and if verified; receiving a transfer request from the first user, the transfer request including an amount of funds for transfer from the online account associated with the first user and identification information for a recipient of the funds, the identification information including an electronic message address for the recipient; and automatically sending an electronic message to the recipient using the electronic message address, the electronic message indicating that funds are ready for transfer to the recipient (*see abstract, figs 1A, 2 and 6, paragraph 0039, 0045, 0048,*

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0055, 0056, 0064, 0070, 0071). Allen Rouman et al fail to teach an inventive concept of receiving a response included a request for establish an online account for the recipient and establishing a second online account for the recipient. However, Oyama et al teach an inventive concept of receiving a response included a request for establish an online account for the recipient and establishing a second online account for the recipient (*see abstract, paragraph 0012 claim 1*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Allen Rouman et al's to include Oyama et al's concept of receiving a response included a request for establish an online account for the recipient and establishing a second online account for the recipient because this would have ensure a network transaction system which will allow a user to be authenticated without using certifying authorities and to receive various cyberspace banking services from any banks as long as they are linked via an inter-bank network.

8. As per claim 2, Allen Rouman et al teach a computer implemented method further comprising receiving a response from the recipient accepting or rejecting the transfer of funds; and transferring said amount of funds from the online account associated with the first user to a second online account associated with the recipient if the response indicates acceptance (*see abstract, figs 1A, 2 and 6, paragraph 0039, 0045*).

9. As per claim 3, Allen Rouman et al teach a computer implemented method wherein the bank account is one of a checking account and a savings account (*see paragraph 0008, 0012, 0013, 0041, 0116*).

10. As per claim 4, 13, Allen Rouman et al teach a computer implemented method causing a small deposit to be made to the bank account using the account access information, notifying the first user that a deposit has been made to the bank account; requesting from the first user identification of the amount of the deposit; receiving a response from the first user identifying the amount of the deposit; and verifying whether the amount identified in the response matches the amount deposited in the bank account, whereby the bank account is verified if a match occurs (*see abstract, figs 1A, 2 and 6, paragraph 0039, 0045, 0048, 0055, 0056, 0064, 0070, 0071*)..

11. As per claim 6, Allen Rouman et al teach a computer implemented method wherein the account access information and the response are received from the user over the Internet (*see paragraph 0003*).

12. As per claim 7, Allen Rouman et al teach a computer implemented method of transferring funds from the banking account to the online account associated with the first user in response to a request to transfer funds if the bank account is verified (*see abstract, figs 1A, 2 and 6, paragraph 0039, 0045, 0048, 0055, 0056, 0064, 0070, 0071*).

13. As per claim 8, Allen Rouman et al teach a computer implemented method of transferring funds from the online account associated with the first user to the bank account in response to a request to transfer funds if the banking account is verified (*see abstract, figs 1A, 2 and 6, paragraph 0039, 0045, 0048, 0055, 0056, 0064, 0070, 0071*).

14. As per claim 9, 14, Allen Rouman et al teach a computer implemented method causing two or more small deposits to the banking account using the account access information, notifying the user that the two or more deposits have been made to the banking account, requesting from the user identification of the amounts of each of the two or more deposits, receiving a response from the user identifying the amounts of each of the two or more deposits, verifying whether the amounts identified in the response match the amounts deposited in the banking account, whereby the account is verified if a match occurs (*see abstract, figs 1A, 2 and 6, paragraph 0039, 0045, 0048, 0055, 0056, 0064, 0070, 0071*).

15. As per claim 11, Allen Rouman et al teach a computer implemented method wherein the account access information is received from the first user over the Internet (*see paragraph 0008*).

16. As per claim 12, Allen Rouman et al teach a computer implemented method wherein the account access information includes an account number (*see abstract, figs 1A, 2 and 6, paragraph 0039, 0045, 0048, 0055, 0056, 0064, 0070, 0071*).

17. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen-Rouman et al (U.S. PG Pub No. 2002/0152160) Oyama et al (U.S. PG Pub 2002/0007343) and in further view of Templeton et al (U.S. PG Pub No. 2002/0004772).

18. As per claims 5 and 10, Allen-Rouman et al fail to teach an inventive concept wherein the small deposit has a value of between 0.01 to 1.00 dollar, inclusively. However Templeton teach an inventive concept wherein the small deposit has a value of between 0.01 to 1.00 dollar, inclusively (*see paragraph 0033, 0034, 0035*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allen-Rouman et al's inventive concept to include Templeton et al inventive concept wherein the small deposit has a value of between 0.01 to 1.00 dollar, inclusively because this would have ensured that proper verification of the account is done before continuation of large fund transfer transactions.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

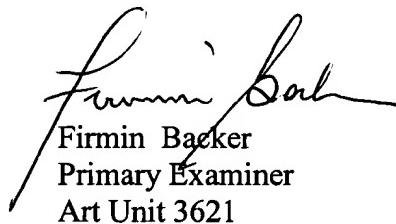
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

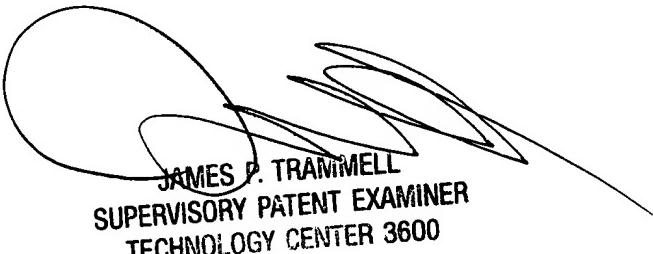
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer
Primary Examiner
Art Unit 3621

June 14, 2004



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600